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NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

ZAHFRI P529US

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  
on March 9, 2006

Signature

Michael J. BUJOLD

Typed or printed name

In re Application of  
Michael EBENHOCH et al.Application Number  
10/650,201Filed  
August 28, 2003For  
TRANSMISSION AND METHOD FOR CONTROLLING A  
TRANSMISSION WITH AT LEAST ONE SHIFT ELEMENTArt Unit  
3681Examiner  
Saul RODRIGUEZ

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1) [1401]) ..... \$500

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is ..... \$250☒ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.  
I HAVE ENCLOSED A DUPLICATE COPY OF THIS SHEET.☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 04-0213. I HAVE ENCLOSED A DUPLICATE COPY OF THIS SHEET.☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)☒ attorney or agent of record.

Registration No. 32,018

☐ attorney or agent acting under 37 CFR 1.34

Registration No. if acting under 37 CFR 1.34 32,018

signature

Michael J. BUJOLD

Typed or Printed name

Telephone number

March 9, 2006

Customer No. 020210

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 form are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO process) an application. Confidentiality is governed by 35 U.S.C. § 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

13/14/2006 CNEGA1 00000045 10650201

12 FC:1401

500.00 GP

Adjustment date: 05/25/2006 SDIRETA1

03/14/2006 CNEGA1 00000045 10650201

02 FC:1401

-500.00 GP

PTO/SB/22 (12-04)

Repln. Ref: 05/25/2006 SDIRETA1 0011011600  
DAB:040213 Name/Number:10650201  
FC: 9204 \$500.00 CR

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MAY 04 2006

05/04/06

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
In re Application of : Michael EBENHOCH, Detlef BAASCH and Ralf  
Serial no. : DREIBHOLZ  
Filed : 10/650,201  
For : August 28, 2003  
: TRANSMISSION AND METHOD FOR  
: CONTROLLING A TRANSMISSION WITH AT  
: LEAST ONE SHIFT ELEMENT  
Group Art Unit : 3681  
Examiner : Saul RODRIGUEZ  
Docket : ZAHFRI P529US

The Commissioner for Patents  
U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND

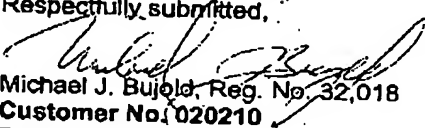
Dear Sir:

On March 9, 2006, the Applicant filed a Notice of Appeal in order to provide additional time for the Examiner to consider the filed response (see attached copy of this Notice and the accompanying check for \$1,070). Upon reviewing this file, it is noted that the Applicant first mistakenly paid the three month extension fee on the small, rather than the large, entity basis-- please charge the balance of the large entity three month extension fee to our deposit account. The Applicant also mistakenly assumed that the application was finally rejected when this, in fact, was not the case. Accordingly, the Applicant respectfully submits that the Notice of Appeal was prematurely filed and a refund of the paid amount, namely, \$500.00, is proper.

In view of the foregoing, the Applicant respectfully requests a refund in the amount of \$500.00 in the form of a check payable to the office of the undersigned. In the event that the Patent Office disagrees with the above, it is respectfully requested that the Patent Office forward to the undersigned a formal explanation of why a refund is not proper in this instance.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

  
Michael J. Bujold, Reg. No. 32,018  
Customer No. 020210  
Davis & Bujold, P.L.L.C.  
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500 North Commercial Street  
Manchester NH 03101-1151  
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11b:3/09/08

RECEIVED: Transmittal; Fee Transmittal  
Check for \$1,070  
Notice of Appeal-1 pg.;  
Extension of Term-1 pg.;  
Response-0 pgs.

E 4/4 \* RCVD AT 5/4/2006 4:32:08 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/8 \* DMS:2738300 \* CSID:603 624 9229 \* DURATION (mm-ss):02:16

05/04/2006 16:29 FAX 603 624 9229

DAVIS &amp; BUJOLD, PLLC

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PTO/SB/21 (12-87)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Application Number	10/650,201
Filing Date	August 28, 2003
First Named Inventor	Michael EBENHOCH, Detlef BAASCH and Ralf DREIBHOLZ
Group Art Unit	3681
Examiner Name	Saul RODRIGUEZ
Attorney Docket Number	ZAHFRI P529US
Total No. of Pages in this Submission: 4	Fax: (571) 273-8300

MAY -9 PM 4:18  
US PATENT & TRADEMARK OFFICE

## ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee attached
- ☐ Amendment/Response
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request (in Duplicate)
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Part/s Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition (DELETED - no longer useful)
- ☐ To Convert a Provisional Petition
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Small Entity Statement
- ☒ Request for Refund

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Additional Enclosure(s) (please identify below):
- Copy of Notice of Appeal accompanying check for \$1,070

## REMARKS

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Michael J. Bujold DAVIS & BUJOLD, P.L.L.C.	Reg. No. 32,018 CUSTOMER NO. 020210
Signature		
Date	May 4, 2006	

## CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO on May 4, 2006

Type or printed name Michael J. Bujold

Signature

Date: May 4, 2006 (aag)